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Mayor Charles Henderson called the meeting to order at 7:00 p.m.

The audience recited the Pledge of Allegiance in unison, after which Pastor Tony Gonzalez led in prayer.

PRESENT: Council members Bruce Armstrong, Ron Bates, Bill Bless, Ron Deer, John Gibson, Keith Hardin, Jessie Reed; Mayor Henderson; City Attorney Shawna Koons-Davis; and Deputy Clerk Kathie Fritz.

Mr. Bates moved to approve the minutes of February 20th. Second by Mr. Hardin. Mr. Hardin pointed out that on page 5, third paragraph from the bottom, where there was discussion on continuance of the smoking ban ordinance, Mr. Bless called for the question, not Mr. Hardin. Vote: Ayes (Gibson – Abstain).

Ms. Koons-Davis had distributed her litigation report and confirmed that the information in item #10 was new.

Mr. Hardin reported that the Plan Commission did not have a quorum, which he noted is rare and embarrassing to him personally.

ORDINANCE No. 05-38 – An Ordinance Annexing Certain Territory Contiguous to the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 92.186 Acres Located Southwest of the Intersection of County Road 700 North and County Road 125 West, and Commonly Known as the Clark Pleasant Community School Corporation Property. **POSTPONED FOR FIRST READING AND PUBLIC HEARING UNTIL MARCH 20, 2006 MEETING.**

ORDINANCE No. 06-06 – An Ordinance to Amend Greenwood Common Council Ordinance Nos. 89-65 and 03-52, and Greenwood Municipal Code (1993), As Amended, Chapter 2, Article 8, Sec. 2-68(g)(3), to Clarify the Compensation Rate of Employees Who Work Both an Actual and Recognized Holiday in Operations Not Staffed Seven (7) Days a Week. Mr. Bates moved to pass Ordinance No. 06-06 through first reading. Second by Mr. Bless. Currently an employee in an operation not staffed seven (7) days a week receives triple time for actual as well as recognized holidays. The amendment means that an employee would receive 1½ times regular rate for recognized holidays and triple time for actual holidays. Mayor Henderson, in response to Mr. Gibson, said that the handbook will be amended to reflect the change. Vote: Ayes. **PASSED FIRST READING.**

ORDINANCE No. 06-07 – An Ordinance to Amend the Official Zoning Map Adopted by Reference in Zoning Ordinance No. 82-1 Entitled “An Ordinance Establishing Comprehensive Zoning Regulations For the City of Greenwood, Indiana, and Providing For the Administration, Enforcement, and Amendment Thereof, In Accordance With the Provisions of I.C. 36-7-4-600 et seq. Laws of Indiana As Amended, and For the Repeal of All Ordinances in Conflict Herewith” (Proposed Rezoning of approximately 49.897 acres of land located on the northeast corner of the intersection of East Main Street (a/k/a Rocklane Road) and Combs Road, commonly known as the Rock Lane Properties, LLC Property). Mr. Armstrong moved to pass Ordinance No. 06-07 through first reading, with second by Mr. Hardin. Jeff Miller of Mainstay, Inc. was present to give a brief presentation and introduced Maury Young of Community Development, Inc., the other partner in Rock Lane Properties. Legal counsel present was Ray Good. Mr. Miller described the surrounding zoning to what he called a transition parcel, saying he would like to offer a diversity of products to the east side. Their intent is to create graduated rings of products moving away

from the commercial property. Ray Good was then invited to describe the zoning and commitments in more detail, referring to a handout and an exhibit. Mr. Miller then came back to describe the brownstone product – 3-story with front entry and rear entry garage – and the townhouse – 2 story with front entry and front entry garage. These would be rentals. Density was the next issue to be covered, with fewer residences for the proposal than would be allowed by law. Mr. Hardin noted that he personally was pleased with this project, which “raises the bar”. He reported that the Plan Commission approved this unanimously. Two of the three remonstrators, he added, were concerned about the S-turn and all were in favor of the project. Vote: Ayes. **ORDINANCE No. 06-07 PASSED FIRST READING.**

At this point, Mayor Henderson recognized two Scouts working on Citizenship & Community badges – Alex Battiato and Jimmy Tyrie – and presented them with City pins.

ORDINANCE No. 05-33 – An Ordinance Annexing Certain Territory Contiguous to the City of Greenwood, Indiana, Placing the Same Within the Corporate Boundaries Thereof and Making the Same a Part of the City of Greenwood and Redefining the Corporate Boundaries of the City of Greenwood, Indiana, Approximately 4 Acres Located on the Southwestern Corner of Stella Drive and State Road 135, Commonly Known as the Waltz Property. **SECOND READING POSTPONED UNTIL MARCH 20, 2006 MEETING.**

ORDINANCE No. 06-05 – An Ordinance Amending Chapter 8, Article 4, Sec. 8-20, on the Greenwood Municipal Code (1993), As Amended, To Prohibit Parking on Public Paths and Trails and on the Area Between the Street and Any Public Sidewalk, Path or Trail Within the City of Greenwood. Mr. Bates moved to pass Ordinance No. 06-05 through second reading. Second was by Mr. Hardin. In response to Ms. Reed, the City Attorney clarified that a person would not be cited for parking in a space (if it's in a drive) between the street and the sidewalk or a path or a trail in a driveway area. The question of gravel drives in some of the older areas and the problem of motorized carts or wheelchairs came up for discussion. Vote: Ayes. **PASSED SECOND READING.**

RESOLUTION No. 06-04 – A Resolution of the Greenwood Common Council to Join the Central Indiana Regional Transportation Authority. Mr. Hardin moved to pass Resolution No. 06-04 on second reading. Second by Mr. Gibson. Vote: Ayes. **PASSED SECOND READING.**

RESOLUTION No. 06-05 – A Resolution Declaring a Certain Area Within the City of Greenwood an Economic Revitalization Area and Certain Real Property Improvements for Property Tax Abatement and Setting the Time and Place for a Public Hearing Thereon (Greenbrooke Medical Pavilion – J. Greg Allen & Associates, Inc.). **INTRODUCED.**

ORDINANCE No. 06-08 – An Ordinance Authorizing the Clerk-Treasurer to Make Temporary Loans From Non-Restricted City Funds to the Fire Fund. Fire Chief Steve Dhondt explained that this ordinance is similar to what has been passed in previous years for temporary loans. Chief Dhondt noted that a different format was chosen after a conversation with the Clerk-Treasurer and Paige Gregory of H.J. Umbaugh, who said a number of municipalities do an authorization earlier in a year that authorizes the Clerk to make those transfers and loans throughout the course of the year when necessary and then report back to the legislative body as the year goes along. The Chief indicated that he thought this would be easier for all concerned rather than introducing an ordinance at the last minute after determining the needs, with the possibility of having to ask for suspension of the

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rules. In a conversation with Mr. Armstrong, the Chief indicated that the Councilman told him that he preferred the format that specifies a specific dollar amount from a specific fund. Mr. Armstrong echoed this and thought this ordinance should be defeated with suspending the rules or withdrawn and the Chief could bring back the old format at the next meeting. Ms. Reed wondered about the effect on the budgets of other departments if this ordinance were passed. Mr. Armstrong moved to suspend the rules in order to consider first reading. Second by Ms. Reed. Vote: Ayes – Hardin, Reed, Armstrong, Bates, Bless, Gibson; Nay – Deer. Motion fails. **ORDINANCE No. 06-08 INTRODUCED.**

Under miscellaneous business, Mr. Hardin asked for an update on the research into the definition of a bar. The City Attorney replied that she has found definitions for hotels, motels and restaurants but not a specific definition for a bar. She will continue to look into the matter.

Mr. Hardin recalled that about a year ago the Planning Commission was to develop new square footage measurements for the definitions of R-1, R-2 and R-2A. This has not been presented to the Council. Planning Director Ed Ferguson indicated that the Commission's work on that issue was interrupted by the ordinance for University Park. The committee has not reconvened since then. Mr. Ferguson thought the next step should be that committee meeting with developers to go over results of a survey.

Mr. Bless asked about smoking allowed outdoors at restaurants. Counsel clarified that it is limited to 25% of the outdoor seating area. Possible violations would need to be considered on a case by case basis. Ms. Koons-Davis feels that smoking would have to be 25 feet from the building as the ordinance is written.

Mr. Gibson expressed his appreciation that the stoplights at Main Street and U.S. 31 are working correctly. He recounted that he had submitted a list of security lights on Madison Avenue that were out. Ms. Koons-Davis has called and told Mr. Gibson she will check on this. Mr. Gibson related a noise complaint regarding One-Liners from Ms. Downey on Patterson Street. Ms. Downey contacted the paper without checking with Mr. Gibson. Mayor Henderson said that he would ask Chief Pitcher to monitor the situation, as has been done in the past. Mr. Gibson also thanked everyone for the cards and letters last month when he had his surgery.

Mr. Armstrong stated he had asked last fall about the possibility of street lights at Worthsville Road and Sheek Road by the intermediate school. The Mayor indicated that some of the poles would have to be moved when they are widening the road. There has been a debate between the power company and the school corporation about who would pay, and although the Mayor thinks the issue may be resolved not everything has been put in place yet.

Mr. Armstrong mentioned that he had spoken with the Street Department about sealing the cracks in the new road on Hacienda where it turns and becomes Palo Vista. New concrete panels were put in two years ago, he said, and the expansion joint and compound was not put in. He was told they normally do the work in the late fall when the concrete has contracted as much as possible to put in the maximum amount of concrete. The Mayor will check.

Mr. Hardin appreciated the good response by the Street Department in filling pot holes in his district.

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Mr. Bates welcomed a former student, Michael Hoke. He also discussed a letter from Decatur Electronics describing the possible purchase of products.

Mr. Deer asked what measures we are taking to inform and educate the public and businesses about the smoking ordinance. The Mayor is mailing the ordinance to businesses with a cover letter. Ms. Reed noted that Partnership For a Healthier Johnson County will provide information to anyone at any time. Mr. Armstrong reported talking with the owners of Casa Miguel's and being on a talk show with Dave Wilson, the owner of One-Liners to discuss the issue. Mr. Deer said that we need to educate all business owners, not just restaurants. The Mayor is willing to get brochures from Partnership For a Healthier Johnson County but mentioned the need for postage. Mr. Deer suggested putting the ordinance on the website and said that Smokefreeindy.com has good brochures as well. Frequently asked questions might also be put on our website, said Mr. Deer. The Mayor will contact Rick Jones of Information Technology.

Ms. Reed said that Cheryl Morpew of the Johnson County Development Corporation asked her what happened to our tax abatement committee guidelines. Mr. Deer will work on rewriting those and will call Ms. Morpew.

Ms. Koons-Davis brought forward compliance statements for the Council to act on. Mr. Bates moved to find Sedgwick Properties, LLC in substantial compliance. Second by Mr. Bless. Mr. Hardin said he could see no benefit to the City. This is the earlier of two abatements. Vote: Ayes. Motion carried.

Regarding Greenwood Industrial, LLC Mr. Hardin moved to find that they are in substantial compliance. Second by Mr. Bates. Vote: Ayes. Motion carried.

For RBA, LLC Mr. Hardin moved to find them in substantial compliance. Second by Ms. Reed. Vote: Ayes. Motion carried.

Mayor Henderson reminded the Council that the bid opening for the second phase of the Valle Vista Reconstruction Project is to take place tomorrow.

The Mayor's Prayer Breakfast sponsored by the Greenwood Christian Businessmen is Saturday, March 11th at 8:00 a.m. at Jonathan Byrd's.

With no further business, the meeting adjourned at 8:35 p.m.

Charles E. Henderson, Mayor

Kathie Fritz, Deputy Clerk